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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: MARIA S. CADAVID, AICP, CSBA, SENIOR PLANNER
480-503-6812, MARIA.SUNIGA-CADAVID@GILBERTAZ.GOV 

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV 

MEETING DATE: FEBRUARY 5, 2014

SUBJECT:

- A. GP13-17 LINDSAY SQUARE CARE CENTER: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 3.9 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE NORTHEAST CORNER OF LINDSAY AND WILLIAMS FIELD ROADS FROM NEIGHBORHOOD OFFICE (NO) LAND USE CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) LAND USE CLASSIFICATION; AND**
- B. Z13-29: LINDSAY SQUARE CARE CENTER: REQUEST TO REZONE APPROXIMATELY 3.9 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE NORTHEAST CORNER OF LINDSAY AND WILLIAMS FIELD ROADS FROM TOWN OF GILBERT NEIGHBORHOOD OFFICE (NO) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY TO COMMUNITY COMMERCIAL (CC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

STRATEGIC INITIATIVE:

Community Livability

The applicant proposes an infill use on one of the last two vacant parcels of this commercial development (Lindsay Square), which will enable the site to be developed with a service use that is a compatible transition between the existing commercial and residential uses.

RECOMMENDED MOTION

- A. MOVE TO RECOMMEND TO THE TOWN COUNCIL APPROVAL OF GP13-17, A MINOR GENERAL PLAN AMENDMENT; AND**
- B. FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z13-29, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.**

APPLICANT/OWNER

Company:	Iplan Consulting	Company:	Lindsay Square Care Center
Name:	Greg Davis		LLC
Address:	4387 E. Capricorn Place Chandler, AZ 85249	Address:	1829 S. Horne Mesa, AZ 85204
Phone:	480-227-9850	Phone:	480-558-7176
Email:	iplangd@cox.net	Email:	PG@swbaz.com

BACKGROUND/DISCUSSION

History

<i>Date</i>	<i>Action</i>
<i>April 18, 1989</i>	Town Council approved Z88-17, adopting Ordinance No. 628, including this property as part of a larger rezoning, Lindsay and Williams Field Roads PAD. (A time extension was granted with Z91-05, Ordinance No. 716).
<i>April 1, 1997</i>	Town Council approved Z96-29, adopting Ordinance No. 1021, amending Ordinance No. 628 and modifying zoning districts and the Master Site Plan.
<i>August 6, 2008</i>	Planning Commission recommended approval to the Town Council for GP08-09 and Z08-14 but it was tabled at Town Council on September 9, 2008, upon the Clerk’s office receiving a petition for a legal protest that conformed to the requirements for a majority vote by the Town Council.
<i>December 4, 2013</i>	The Planning Commission reviewed these applications at study session.

January 8, 2014

The Planning Commission continued GP13-17/Z13-29 to allow the applicant to re-notify property owners within the required boundaries regarding the increase in the size of the facility and for staff to correct the subject site's address in the Notice of Public Hearing.

OVERVIEW

The applicant proposes a minor General Plan amendment and a rezoning with a Planned Area Development to bring a viable use to an infill parcel surrounded by existing commercial and residential development. The physical characteristics of this site represent constraints for development under the existing Neighborhood Office (NO) land use classification and zoning district.

The distance separation of over 500 feet from Lindsay Road and 275 feet from Williams Field Road significantly limits the types of feasible nonresidential uses due to the lack of visibility to the site. The applicant proposes to expand the current Community Commercial classification from other parcels in the existing development to this one and proposes a Planned Area Development (PAD) overlay. The proposed PAD exhibit would give some certainty to address site plan issues adjacent to residential uses. Under Community Commercial zoning, the proposed use, a Congregate Living Facility, will also require the approval of a Conditional Use Permit by the Planning Commission.

Surrounding Land Use & Zoning Designations:

Direction	Existing Land Use Classification	Existing Zoning	Existing Uses
Onsite	Neighborhood Office (NO)	Neighborhood Office (NO) PAD	Vacant
North	Residential > 2-3.5 DU/Acre	Single Family-7 (SF-7) PAD	Lindsay Estates
South	Neighborhood Office (NO)	Neighborhood Office (NO) PAD	Medical Office, then Williams Field Road
East	Residential > 2-3.5 DU/Acre	Single Family-7 (SF-7) PAD	Lindsay Estates
West	Community Commercial (CC)	Community Commercial (CC) PAD	Lindsay Square Lot D, then Lindsay Road

CONFORMANCE WITH THE GENERAL PLAN

The proposed amendment to change from the Neighborhood Office land use classification to the Community Commercial land use classification conforms to the overall intent, goals and policies of the General Plan as it:

Land Use and Growth Area

- Goal 1.0 - Promotes Gilbert as a community in which to live, work, and play by encouraging the revitalization of under-utilized commercial properties.
- Goal 3.0 - Manages growth to achieve an efficient and orderly community by promoting development where resources and infrastructure are in place.
- Goal 5.0 - Promotes commercial, retail, and employment land uses that are compatible with adjacent land uses and meet economic goals.
- Policy 5.3 Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets.

Rezoning

Proposed Standards Modifications (In Bold)

The rezoning proposes a Planned Area Development (PAD) overlay zoning district to ensure the project addresses an appropriate transition for development adjacent to residential uses and in conformance with the Community Commercial (CC) development standards in the Land Development Code (LDC). The CC zoning provides for a maximum of 50,000 sf. for a Use or User, however, the purpose of a PAD does allow modification of base district regulations. Specifically, Section 3.101.C of the LDC states: “Provide opportunities for development intensity greater than permitted by base district regulations for affordable housing, senior housing, and congregate living facilities.” This project is requesting the maximum size of the building be permitted up to 80,000 square feet.

Proposed Zoning District:		Community Commercial (CC) with a PAD
Applicable Standards:	LDC Community Commercial (CC)	Proposed Standard
Maximum Size of Use or User (sq. ft.)	50,000	80,000

Data Table per Proposed Development Plan Exhibit

Maximum Building Height (ft.)/(Stories)	35’/2	35’
Minimum Setbacks (ft.)		
Front	20’	60’
Side (Residential)	25’	90’
Rear (Residential)	40’	91’-8”
Side (Nonresidential)	15’	81’-6”

Minimum Required Perimeter Landscape Area (ft.)		
Side (Residential)	25'	30'
Side (Nonresidential)	15'	15'
Rear (Residential)	30'	30'
Landscaping (% of net lot area)	15%	36%
Off-Street Parking and Loading	45 spaces	95 spaces

PUBLIC NOTIFICATION AND INPUT

The applicant held a neighborhood meeting on August 21, 2013 at 6:00 p.m. at Spectrum Elementary School, 2843 South Spectrum Way. It was attended by five (5) property owners; the applicant’s consulting team and staff.

Questions included the following comments/concerns:

- What and how this type of facility operates?
- Could the rezoning allow another use in the list of permitted uses?
- Type of trees in the landscape setback to not litter backyards
- Building setbacks
- Support of the use because they often see teens hanging out in the empty field
- Reason for changing the development plan from the original single-story proposal
- Single-story facilities of this type don’t lack patrons, they’re all doing well. Why the need for a two-story facility besides making more money?

A notice of public hearing has been published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

On January 7, 2014, Ms. Charlotte Harmon contacted staff and stated she lives in the neighborhood and was involved in the Legal Protest procedure filed prior to the Town Council meeting in September 2008. She indicated being opposed to changing the zoning district designation from Neighborhood Office (N) to any other district.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code (LDC). This waiver is located in the case files (GP13-17/ Z13-29).

PLANNING COMMISSION DECEMBER 4, 2013 STUDY SESSION

The Commission discussed the status of the ingress/egress and the impact of any agreements on the adjacent property owners. They also commented how signage would come into play given their location relative to adjacent properties and lastly the impact of traffic generated by the proposed use circulating behind the daycare center.

Since then, the Traffic Division issued their evaluation on the traffic to be generated by the proposed use and its impact on the daycare. The Town Traffic Engineer states that based on calculations by uses of this type, there are not a lot of trips anticipated to be generated by the Lindsay Square Care Center site: 244 total trips daily, 13 AM peak hour trips and 20 PM peak hour trips. The Town Traffic Engineer adds that seeing how both access points are full movement locations (one to Lindsay and one to Williams Field), he does not have any concerns regarding traffic or a large amount of traffic near the preschool area.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning support the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP13-17, a minor General Plan amendment to change the land use classification for approximately 3.9 acres of real property located north and east of the northeast corner of Lindsay and Williams Field Roads from Neighborhood Office (NO) land use classification to Community Commercial (CC) land use classification, and;
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z13-29, a request to rezone approximately 3.9 acres of real property located north and east of the northeast corner of Lindsay and Williams Field Roads from Neighborhood Office (NO) zoning district with a PAD overlay to Community Commercial (CC) zoning district with a PAD overlay, subject to the following conditions:
 1. The project shall be developed in conformance with the Development Plan exhibit submitted with this application; and

Lindsay Square Care Center	
Maximum Size of Use or User (sq. ft.)	80,000 square feet

Respectfully submitted,

A handwritten signature in cursive script that reads "Maria S. Cadavid". The signature is written in black ink and is positioned above the typed name.

Maria S. Cadavid, AICP, CSBA
Senior Planner

Attachments:

1. Notice of Public Hearing
2. General Plan Exhibit
3. Zoning Exhibit
4. Development Plan for Lindsay Square Care Center
5. Minutes of the Planning Commission, 12/4/2013

Notice of Public Hearing

GP13-17 and Z13-29: Lindsay Square
Exhibit 1 - Notice of Public Hearing
February 5, 2014

PLANNING COMMISSION DATE:

Wednesday, February 5, 2014 TIME: 6:00 PM*

TOWN COUNCIL DATE:

Thursday, March 6, 2014 TIME: 7:00 PM*

**LOCATION: Gilbert Municipal Center, Council Chambers
50 E. Civic Center Drive
Gilbert, Arizona 85296**

*** Call Planning Department to verify date and time: (480) 503-6700**

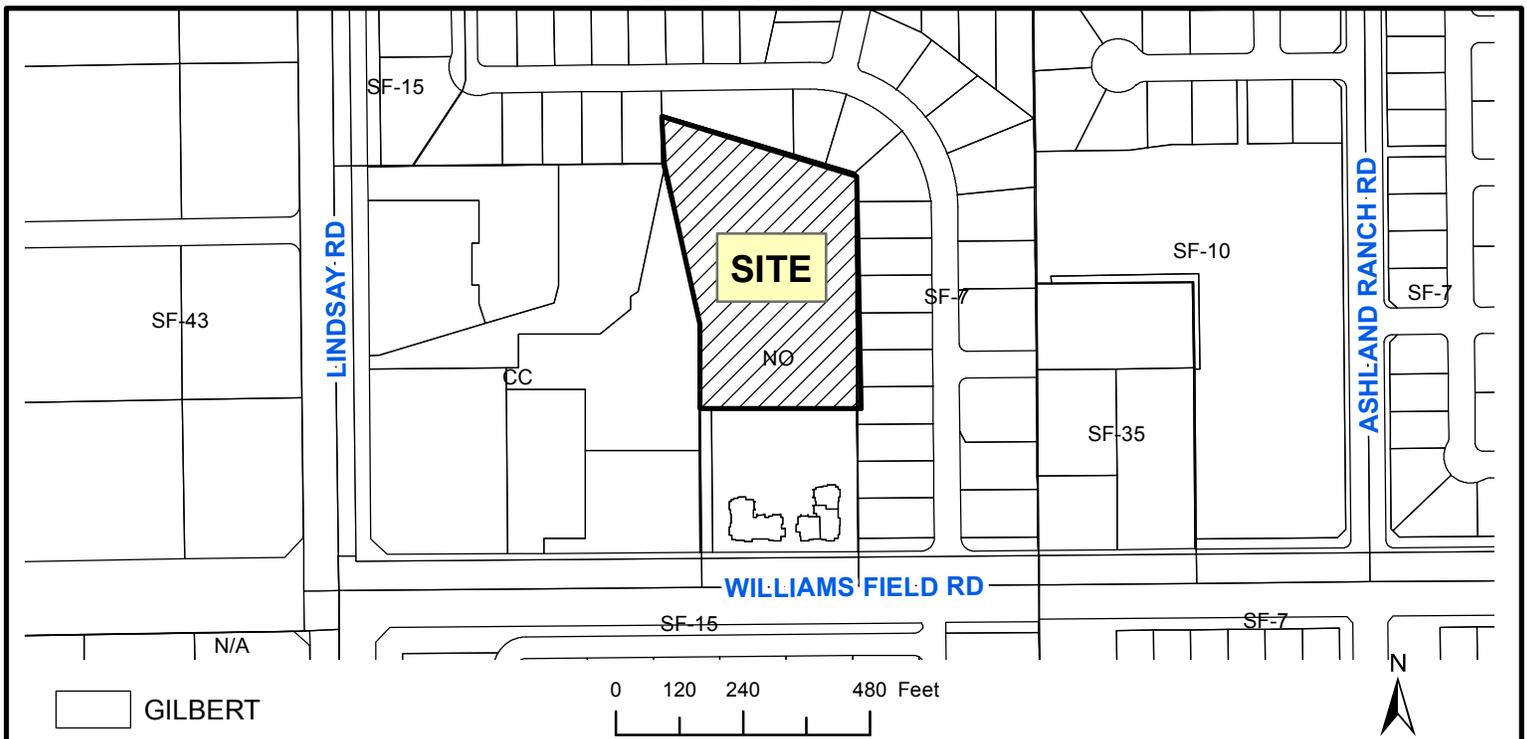
REQUESTED ACTION:

GP13-17: Request for a Minor General Plan Amendment to change the land use classification of approximately 3.9 acres of real property generally located north and east of the northeast corner of Lindsay and Williams Field Roads from Neighborhood Office (NO) land use classification to Community Commercial (CC) land use classification. The effect of this amendment will be to change the plan of development for the property to allow a more intense service type of commercial development.

Z13-29: Request to amend Ordinances No.628, 716, 879 and 1021 and to rezone approximately 3.9 acres of real property within the Lindsay and Williams Field Planned Area Development (PAD) generally located north and east of the northeast corner of Lindsay and Williams Field Roads from approximately 3.9 acres of Neighborhood Office (NO) zoning districts, with a Planned Area Development overlay zoning district to approximately 3.9 acres of Community Commercial (CC) zoning district, with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office, and to amend development standards for the Lindsay and Williams Field Planned Area Development (PAD) to increase the size of buildings permitted in the Community Commercial (CC) zoning district. The effect of the rezoning will be to increase the size of a stand-alone building from 50, 000 to 80,000 square feet.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

SITE LOCATION:



**APPLICANT: Iplan Consulting
CONTACT: Greg Davis
ADDRESS: 4387 E. Capricorn Place
Chandler, AZ 85249**

**TELEPHONE: (480) 227-9850
E-MAIL: Iplangd@cox.net**

**GP13-17 / Z13-29
Attachment 1: Notice of Public Hearing
February 5, 2014**

Project Data Table

AREA	3.816 GROSS ACRES
	3.814 NET ACRES
GENERAL PLAN (100% OF SITE)	
EXISTING	NO
PROPOSED	CC / PAD
ZONING (100% OF SITE)	
EXISTING	NS
PROPOSED	CC
DEVELOPMENT STANDARDS / DATA	
SET BACKS	MIN. 60' FROM RESIDENTIAL MIN. 30' FROM COMMERCIAL
BUILDING HEIGHT	35'-0"
PROPOSED SIZE	2 STORIES, 79,869 S.F.
PROPOSED FOOTPRINT	44,852 S.F.
LOT COVERAGE	26.7%
RESIDENT UNITS	
MEMORY CARE BEDS	36
ASSISTED CARE UNITS	45 = 10 + 24 + 11
STUDIOS	10
1 BED ROOM	24
2 BED ROOM	11
TOTAL BEDS / DENSITY	92 BEDS / 25 BEDS PER ACRE
PARKING	
REQUIREMENTS	0.5 STALLS PER BED (46 STALLS)
PROVIDED	91 STALLS
RETENTION AND LANDSCAPE AREAS	
	1.39 ACRES OR 36% OF GROSS AREA

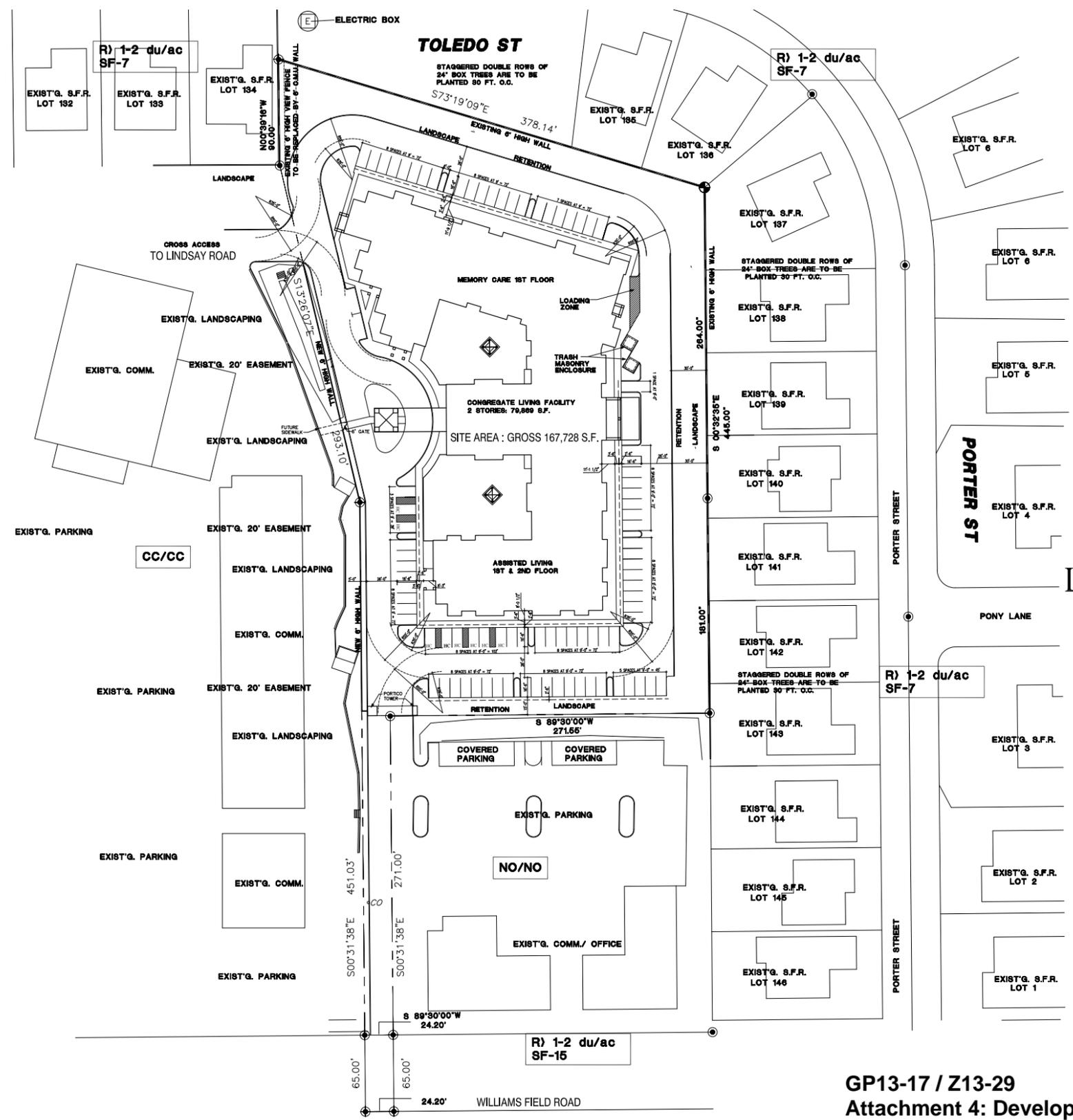
Job No. 08-019
 Revised: April 21, 2008
 February 29, 2008

A portion of the Southwest Quarter of Section 29, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap at the southwest corner of said Section 29, from which a brass cap at the South quarter corner of said Section 29 bears N89°30'00"E (an assumed bearing) at a distance of 2639.49 feet; thence N89°30'00"E, along the south line of the Southwest Quarter of said Section 29, for a distance of 684.10 feet to a point on the southerly prolongation of the east line of Lot D, of the Re-Plat of Lindsay Square Lot 2, as defined in Book 714, Page 23, records of Maricopa County, and the POINT OF BEGINNING;

Thence N00°31'38"W, along said east line, for a distance of 516.03 feet; thence N13°26'07"W, along said east line and a prolongation thereof, for a distance of 293.10 feet to the southerly angle point on the north line of Lot 2 (Remainder) of Lindsay Square Lot 3, as defined in Book 631, Page 28, records of Maricopa County; thence N00°39'16"W, along said north line, for a distance of 90.00 feet to the northerly angle point on said north line; thence S73°19'09"E, along said north line, for a distance of 378.14 feet to the northeast corner of said Lot 2 (Remainder); thence S00°32'35"E, along the east line of said Lot 2 (Remainder), for a distance of 444.99 feet to the northeast corner of Lot 3, Lindsay Square Lot 3, as defined in Book 631, Page 28, records of Maricopa County; thence S89°30'00"W, along the north line of said Lot 3, for a distance of 271.55 feet; thence S00°32'42"E, along the west line of said Lot 3, for a distance of 335.00 feet to a point on the south line of the Southwest Quarter of said Section 29; thence S89°30'00"W, along said south line, for a distance of 24.22 feet to the POINT OF BEGINNING.

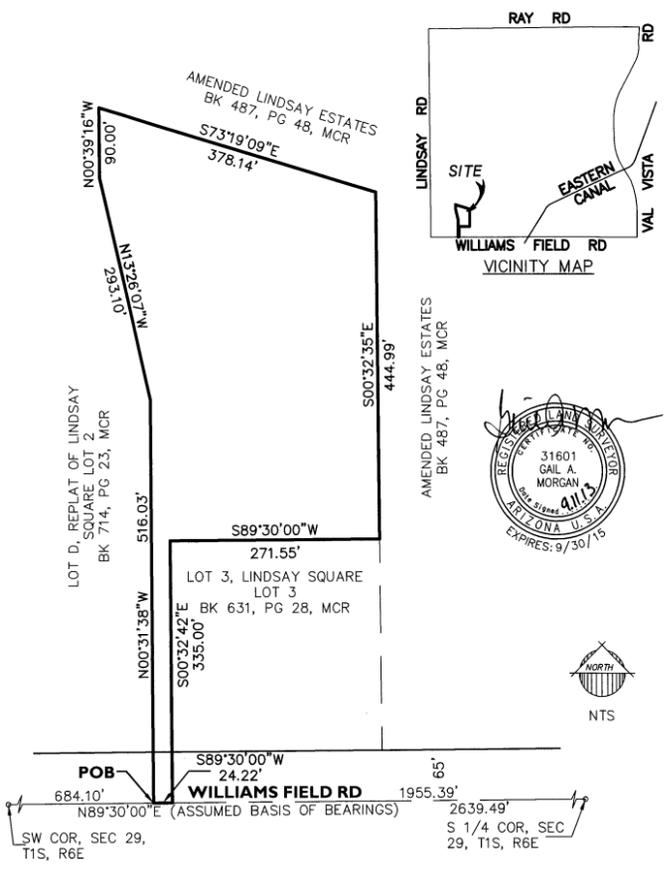
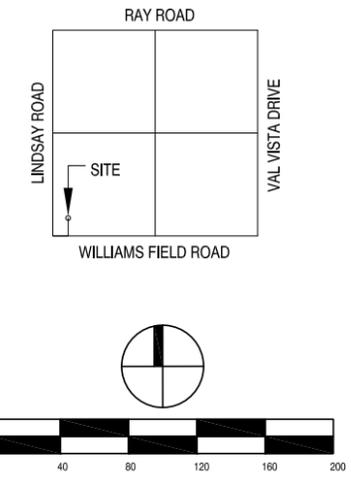
An area containing 167,726 square feet or 3.8505 acres, more or less.



LINDSAY SQUARE CARE CENTER
 FOR: LINDSAY SQUARE CARE CENTER, LLC

SCALE: 1" = 40'
 9/3/13
 REVISED 12/02/13

VICINITY MAP
 SECTION 29, T1S, R6E



GP13-17 / Z13-29
 Attachment 4: Development Plan for Lindsay Square Care Center
 February 5, 2014

Planned Area Development Exhibit
 Lindsay Square Care Center Proposal

DATE: 12/17/2013



PLANNING COMMISSION STUDY SESSION MINUTES OF 12/4/2013

GP13-17 - Lindsay Square Care Center - Minor General Plan amendment to change the land use classification of approximately 3.9 acres of real property generally located north and east of the northeast corner of Lindsay and Williams Field Roads from Neighborhood Office (NO) land use classification to Community Commercial (CC); and

Z13-29 - Rezone approximately 3.9 acres of real property generally located north and east of the northeast corner of Lindsay and Williams Field Roads from Town of Gilbert Neighborhood Office (NO) zoning district to Community Commercial (CC) zoning district with a Planned Area Development (PAD) overlay.

Senior Planner Maria Cadavid displayed an aerial map of the project that was being presented. She noted that the vacant side was zoned Neighborhood Office, to the West is Community Commercial, SF – 7 to the East and North and to the Northwest is SF – 15. The location of the site prevents easy development for neighborhood offices as it doesn't have the visibility and the distance from Lindsay Road is over 500 feet and 270 feet from Williams Field. A PAD exhibit was displayed. The location of the building has a lot of ins and outs and the sighting of the building is rather large but does not give a monolithic view and meets and exceeds all of the setbacks. Ms. Cadavid referred to the following information from page 4 of the staff report:

Proposed Zoning District:		Community Commercial (CC) with a PAD
Applicable Standards:	LDC Community Commercial (CC)	Proposed Standard
Maximum Size User (sq. ft.)	50,000	75,000
Maximum Building Height (ft.)/(Stories)	35/2	35'
Minimum Setbacks (ft.)		
Front	20'	60'
Side (Residential)	25'	90+
Rear (Residential)	40'	91'-8"
Side (Nonresidential)	15'	81'-6"
Minimum Required Perimeter Landscape Area (ft.)		
Side (Residential)	25'	30'
Side (Nonresidential)	15'	15'
Rear (Residential)	30'	30'
Landscaping (% of net lot area)	15%	36%
Off-Street Parking and Loading	45 spaces	95 spaces

Ms. Cadavid said that the only item that is not per the general standards is the size itself of the facility, however, in another section of the code the application of the PAD overlay specifically mentions this type of use as being one of those that the Town should consider as a deviation. Staff attended the neighborhood meeting where a couple of people did not want the building to be a two-story. Others were agreeable to the development because they saw that there are really no deviations from the standards and that the applicant has made an effort to blend in with the residential character and placing all of the passive areas next to their residential properties. Ms. Cadavid displayed a conceptual illustration of what the elevations will look like. Staff has been successful in processing similar cases one being the Sunrise Congregate Living facility on Gilbert Rd., North of Warner.

Commissioner Cavanee said in terms of the ingress/egress points it appears that they have by right by property ownership to Williams Field but that he saw a cross access to Lindsay Road. He asked how those were impacting the adjacent properties.

Miss Cadavid said that this was a piece that is part of the larger commercial acreage with 2 zoning districts. It is been in the development stages since 2003. They have in existence a cross access and parking agreement and this use will actually provide more parking spaces then needed.

Commissioner Cavanee asked how signage would come into play given their location relative to adjacent properties.

Ms. Cadavid stated that that would be evaluated as part of the Design Review Board submittal.

Vice Chairman Oehler said that there is a daycare center that this cross access would pass by. Going South through the office area you cannot cross Williams Field at that point. You could do that at Lindsay because it does not have a median. Traffic might be funneled through that. Even though it is the back end of the shopping center you will pass in front of the daycare center.

Ms. Cadavid said that they would discuss that with the traffic engineer and would come back to the Commission with information on that.

Chairman Wittmann asked staff if the reason that the applicant was requesting a PAD was to lock in the site plan.

Ms. Cadavid responded that was correct.